

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, the STATES of ALASKA, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, IOWA, LOUISIANA, MARYLAND, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VERMONT, and WASHINGTON, as well as the COMMONWEALTHS of MASSACHUSETTS, VIRGINIA, and PUERTO RICO, the DISTRICT OF COLUMBIA, and the TERRITORIES of GUAM and the U.S. VIRGIN ISLANDS, *ex rel.* VERUM CURIS LLC d/b/a VERUM Rx, Mark R. NEWKIRK, and Christopher M. MURRAY,

Plaintiffs,

v.

CVS CAREMARK CORP., EXPRESS SCRIPTS, INC., OPTUMRX, INC., HUMANA PHARMACY SOLUTIONS, INC., MEDIMPACT HEALTHCARE SYSTEMS, INC., PRIME THERAPEUTICS LLC, WOLTERS KLUWER CLINICAL DRUG INFORMATION, INC. d/b/a MEDI-SPAN, INC., JOHN DOE DRUG MANUFACTURERS 1-25, JOHN DOE DISTRIBUTORS 1-25, and JOHN DOE MEDICAL PROFESSIONALS 1-25,

Defendants.

Case No. 1:20-cv-1313 (ES/CLW)

Hon. Esther Salas, D.J.

Hon. Cathy L. Waldor, M.J.

**NOTICE OF VOLUNTARY
DISMISSAL
WITHOUT PREJUDICE**

PLEASE TAKE NOTICE that Plaintiffs-Relators Verum Curis LLC d/b/a VerumRx, Christopher M. Murray and Mark R. Newkirk (“Relators”), acting on their own behalf

and on behalf of the United States pursuant to the *qui tam* provisions of the federal False Claims Act (“FCA”), 31 U.S.C. § 3730(b), and on behalf of the States of Alaska, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, and Washington, as well as the Commonwealths of Massachusetts, Virginia, and Puerto Rico, the District of Columbia, and the Territories of Guam and the U.S. Virgin Islands (collectively, “the Plaintiff States”) pursuant to the *qui tam* provisions of the False Claims Act analogue statutes of those respective jurisdictions, do hereby, through their undersigned counsel, VOLUNTARILY DISMISS, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), without prejudice, the Complaint in the above-captioned action, which was filed against Defendants CVS Caremark Corp., Express Scripts, Inc., OptumRx, Inc., Humana Pharmacy Solutions, Inc., Medimpact Healthcare Systems, Inc., Prime Therapeutics LLC, Wolters Kluwer Clinical Drug Information, Inc. d/b/a Medi-Span, Inc., John Doe Drug Manufacturers 1-25, John Doe Distributors 1-25, and John Doe Medical Professionals 1-25. Insofar as no Defendant was ever served with the Complaint following the November 9, 2022, filing by the United States of its Notice of Election to Decline Intervention (ECF No. 26) and the ensuing November 18, 2022, Order unsealing the Complaint (ECF No. 27), and no Defendant has answered the Complaint, this Notice is self-effectuating under Rule 41(a)(1)(A)(i) and does not require an Order of the Court. This dismissal is otherwise than on the merits.

Dated: New York, New York
March 3, 2023

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Co-Counsel for Relators

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Dated: Philadelphia, PA
March 3, 2022

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